

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

ATRATECHJAPAN CORPORATION,

Plaintiff,

v.

CHI MEI OPTOELECTRONICS USA, INC.;
LG ELECTRONICS U.S.A., INC.;
MITSUBISHI DIGITAL ELECTRONICS
AMERICA, INC.; PHILIPS CONSUMER
ELECTRONICS; SAMSUNG
ELECTRONICS AMERICA, INC.; VIZIO,
INC.; and TOSHIBA AMERICA
CONSUMER PRODUCTS, L.L.C.,

Defendants.

Civil Action No. 5:08-cv-00137-TJW

DOCKET CONTROL ORDER

In accordance with the status conference held herein on the 29th day of March, 2010, it is hereby

ORDERED that the following schedule of deadlines is in effect until further order of this Court:

DATE	EVENT
October 3, 2011	Jury Selection – 9:00 a.m. in Texarkana, Texas
September 20, 2011	Pretrial Conference – 9:30 a.m. in Marshall, Texas
September 16, 2011	Joint Pretrial Order, Joint Proposed Jury Instructions and Form of the Verdict.

DATE	EVENT
TBD by Court (3 days before final Pretrial Conference)	<p>Motions in <i>Limine</i> Due</p> <p>The parties are ordered to meet and confer on their respective motions <i>in limine</i> and advise the court of any agreements in this regard by 1:00 p.m. three (3) business days before the pretrial conference. The parties shall limit their motions <i>in limine</i> to those issues which, if improperly introduced into the trial of the case would be so prejudicial that the court could not alleviate the prejudice with appropriate instruction(s).</p>
September 13, 2011	<p>Notice of Request for Daily Transcript or Real Time Reporting of Court Proceedings. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Susan Simmons, at lssimmons@yahoo.com.</p>
September 13, 2011	<p>Response to Dispositive Motions (including <i>Daubert</i> motions)¹</p> <p>Responses to dispositive motions filed prior to the dispositive motion deadline, including <i>Daubert</i> Motions, shall be due in accordance with Local Rule CV-7(e).</p> <p>Motions for Summary Judgment shall comply with Local Rule CV56.</p>
August 30, 2011	For Filing Dispositive Motions and any other motions that may require a hearing (including <i>Daubert</i> motions)
July 29, 2011	Mediation to be completed
July 29, 2011	Defendants to Identify Trial Witnesses
July 13, 2011	Plaintiff to Identify Trial Witnesses

¹ The parties are directed to Local Rule CV-7(d), which provides in part that “[i]n the event a party fails to oppose a motion in the manner prescribed herein the court will assume that the party has no opposition.” Local Rule CV-7(e) provides that a party opposing a motion has **12 days, in addition to any added time permitted under Fed. R. Civ. P. 6(e)**, in which to serve and file a response and any supporting documents, after which the court will consider the submitted motion for decision.

DATE	EVENT
July 13, 2011	Discovery Deadline
30 Days after claim construction ruling	30 Days after claim construction ruling Designate Rebuttal Expert Witnesses other than claims construction Expert witness report due Refer to Discovery Order for required information. ²
15 Days after claim construction ruling	15 Days after claim construction ruling Comply with P.R. 3-7
15 Days after claim construction ruling	15 Days after claim construction ruling Party with the burden of proof to designate Expert Witnesses other than claims construction Expert witness report due Refer to Discovery Order for required information. ³
May 31, 2011 (subject to the convenience of the Court's calendar, and to the extent the parties or the Court believe a hearing is necessary)	Claim construction hearing 1:30 p.m., Marshall, Texas.
April 14, 2011	Comply with P.R. 4-5(c).
April 1, 2011	Comply with P.R. 4-5(b).
March 1, 2011	Comply with P.R. 4-5(a).
February 15, 2011	Discovery deadline-claims construction issues
January 24, 2011	Respond to Amended Pleadings.
January 10, 2011	Amend Pleadings (It is not necessary to file a Motion for Leave to Amend before the deadline to amend pleadings except to the extent the amendment seeks to add a new patent in suit. It is necessary to file a Motion for Leave to Amend after January 10, 2011).
January 10, 2011	Comply with P.R. 4-3.

² Draft expert reports and opinions, including draft expert declarations and affidavits, will not be subject to discovery.

³ Draft expert reports and opinions, including draft expert declarations and affidavits, will not be subject to discovery.

DATE	EVENT
December 20, 2010	Comply with P.R. 4-2.
November 19, 2010	Comply with P.R. 4-1.
September 30, 2010	Privilege Logs to be exchanged by parties (or a letter to the Court stating that there are no disputes as to claims of privileged documents). ⁴
January 10, 2011	Join Additional Parties
September 20, 2010	Comply with P.R. 3-3 and P.R. 3-4 (Invalidity Contentions)
September 15, 2010	Rule 26(a) Initial Disclosures, including identity of persons and documents, computation of damages and any applicable indemnity agreements
August 7, 2010	Case Management Conference (as deemed by the Court)
July 16, 2010	Comply with P.R. 3-1 and P.R. 3-2 (Infringement Contentions)

LIMITATIONS ON MOTIONS PRACTICE

Summary Judgment Motions: Prior to filing any summary judgment motion, the parties must submit letter briefs seeking permission to file the motion. The opening letter brief in each of those matters shall be no longer than five (5) pages and shall be filed with the Court no later than sixty (60) days before the deadline for filing summary judgment motions. Answering letter briefs in each of those matters shall be no longer than five (5) pages and filed with the Court no later than fourteen (14) days thereafter. Reply briefs in each of those matters shall be no longer than three (3) pages and filed with the Court no later than five (5) days thereafter. The Court may decide the question on the submissions or hold a hearing or telephone conference to hear arguments and to determine whether the filing of any motion will be permitted.

Motions to Strike Expert Testimony/Daubert Motions: Prior to filing any Motions to Strike or Daubert Motions, the parties must submit letter briefs seeking permission to file the motion. The opening letter brief in each of those matters shall be no longer than three (3) pages and shall be filed with the Court no later than sixty (60) days before the deadline for filing Motions to Strike or Daubert Motions. Answering letter briefs in each of those matters shall be no longer than three (3) pages and filed with the Court no later than fourteen (14) days thereafter. Reply briefs in each of those matters shall be no longer than two (2) pages and filed with the Court no later than five (5) days thereafter. The Court may hold a hearing or telephone

⁴ The listing of materials in privilege logs may terminate as of the earliest date a complaint was filed in this action.

conference to hear arguments and to determine whether the filing of any motion will be permitted.

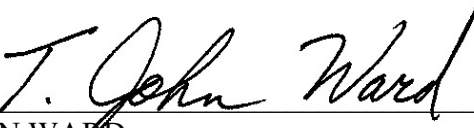
For all of the above mentioned motions, the letter briefs shall be filed without exhibits. Any requests to submit letter briefs after the deadlines outlined above must show good cause.

OTHER LIMITATIONS

1. All depositions to be read into evidence as part of the parties' case-in-chief shall be **EDITED** so as to exclude all unnecessary, repetitious, and irrelevant testimony; **ONLY** those portions which are relevant to the issues in controversy shall be read into evidence.
2. The Court will refuse to entertain any motion to compel discovery filed after the date of this Order unless the movant advises the Court within the body of the motion that counsel for the parties have first conferred in a good faith attempt to resolve the matter. See Eastern District of Texas Local Rule CV-7(h).
3. The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:
 - (a) The fact that there are motions for summary judgment or motions to dismiss pending;
 - (b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;
 - (c) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.

IT IS SO ORDERED

SIGNED this 28th day of April, 2010.



T. JOHN WARD
UNITED STATES DISTRICT JUDGE